FOR MYSORE STATE

73.406—3-11-55.

Agri (1955) Department.

Ms SERIES.

G.O. No. 347

Dated 8.2.55

Passed
7
Supdt.

14

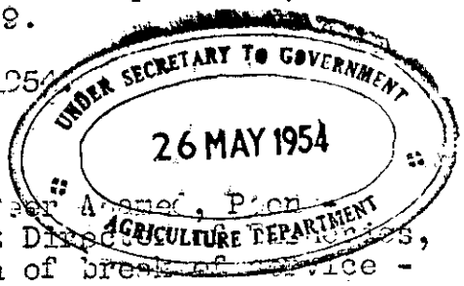
[Despatch Abstract]

Estt. — Fisheries. Shaik Peer Ahamed, Peon, office of the A.D.F. Mangalore - Extraordinary leave in relaxation of Rule 23 (b) of the Madras Leave Rules 1933 Granted.

DEPARTMENT OF INDUSTRIES & COMMERCE

From
The Director of Industries and Commerce,
Chepauk, Madras.

To
The Secretary to Government,
Agriculture Department,
Madras-9.



No.11827/52-S2 dated 22-5-1954

Sir,

Sub: Establishment - Sheik Peer Ahamed, Peon - Office of the Assistant Director of Fisheries, Mangalore - Condonation of break in service - Orders of Government - Requested -

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69723/54 20/5/54

One Sheik Peer Ahamed was appointed as Peon on 15-10-36, in Ullal Fish Curing Yard, Mangalore section. He applied for leave on medical grounds from 6-6-45 to 15-7-45, then extended it upto 28-7-45 and then upto 31-8-45. Being a non-permanent Government Servant, he was not eligible in 1945 to any leave other than extraordinary leave. So he was granted extraordinary leave upto 28-7-45 by the Assistant Director of Fisheries, Kozhikode but the extension of leave upto 31-8-45 applied for by him was not granted since the period exceeded two months to which only he was eligible under the rules then in force. The peon was therefore discharged from service with effect from 6-6-45 on which date he first proceeded on leave. The absence of the peon from 6-6-45 to 31-8-45 could not also be treated as leave on medical grounds since rule 96 (c) which gave the benefit of unearned leave on Medical Certificate for 10 days, for each completed year of service for non-permanent inferior Government servants, was introduced only in G.O. No. 719 Finance dated 20-9-46 after the event in question. He was, however, reappointed to act as peon, Ullal Yard, Calicut, with effect from 4-9-45 from which date he is continuing. A permanent vacancy existed from 7-8-42 and if the Asst. Director concerned had taken prompt action to fill it up, the petitioner would have been confirmed in it from 7-8-42. If that had been done, the break would not have occurred. In view of this and in view of the services rendered by him from 15-10-36 to 5-6-45 on a regular basis and since he has been continuously working from 4-9-45, thus putting in a total service of more than 17 years in all upto this day, I feel that this is really a hard case and I accordingly request that the break in service sustained by the peon from 6-6-45 to 3-9-45 (both days inclusive) owing to illness may be condoned by relaxing the rule 93 (b) of Madras Leave Rules in his favour-that is, by granting him extraordinary leave for the period of his break in service. I request the favour of early orders.

for Director of Industries and Commerce.

cs/24-5.

Agric II

3

Memo no. 69723.CIII/54-2 dt. 14-7-54

Subj: Estt. Sheik Peer Ahamed - Peon - Office of the AD.I. Mangalore - Condonation Break of Service - Regarding.

Ref: From the Dte lr no 11827/52-52 dt. 22.54.

The attention of the Dte is invited to the reference cited and, requested to state, whether there has been a vacancy of peon in the Depot during the period from 6.6.45 to 3.9.45 (i.e when Sri Sheik Peer Ahamed was on leave), against which the services of Sri Sheik Peer Ahamed could be counted.

Done 14/7/54

14/7/54

Draft Sh'ref. 5 Trichur's Suspension ord. Amp. 2 any to the Dte

Amp 1

12/7/54 bal to SNP Ct

13/7/54

Department of Industries & Commerce

From
The Director of Industries
and Commerce,

To
The Secretary to Government,
Agriculture Department,
Fort St. George, Madras.

No.31944-S2/54, dt.19-10-1954.

Sir

Sub: Establishment - Fisheries - Sheik Peer Ahmed - Peon - Office of the Asst. Director of Fisheries, Mangalore - condonation of break of service - reg.

125945
Ref: Govt. memo. No.69723-CII/54-2, dt. 14-7-54.

...

Government have asked in the memo. cited whether there had been a vacancy of peon in the Department during the period 6-6-45 to 3-9-45 when Sri Sheik Peer Ahmed was on leave against which the service of Sri Sheik Peer Ahmed could be counted. I had reported in my letter No.11827-S2/52 dt.22-5-54 that a permanent vacancy of a peon existed from 7-8-42 and that if the Assistant Director concerned had taken prompt action to fill it up the petitioner would have been confirmed in it from that date. The Asst. Director, Mangalore has now reported that there were some permanent vacancies of peons. It is clear therefore that there was a vacancy.

for Director of Industries and
Commerce.

Prn.21.10.

/Agri Deptt

Subj:- Estt - Fisheries - Sheik Peer Ahamed - Peon Office of the A.D.F ~~Fresh water Biology~~ Mangalore - Extraordinary leave on Relaxation of Rule 23(b) of the Madras Leave Rules 1933 Granted.

Cm no 69223(11)/54

Leave roll
12
8/2/55

Read:- from the Dateln no 11827/52-52d. 22.5.54.
Gos ms no 347 Agriculture dt. 8.2.55

(1) ~~(Smt)~~ Sheik Peer Ahamed was first appointed on a peon in the Fisheries Depl on 15.10.1936. He applied for leave on medical grounds from 6-6-45 to 15.7.45. On the expiry of the leave ~~Sri~~ Sheik Peer Ahamed applied for extension of leave upto 29.7.45. Since he was not eligible for any further leave on medical grounds, he was granted extraordinary leave upto 29.7.45. He applied for further extension of leave upto 31.8.45. As he was not a permanent peon, he was not eligible for any leave beyond two months as per the rules then in force. He was, therefore, discharged from service with effect from 6.6.45, the date from which he proceeded on leave. He was subsequently

reappointed with effect from 4.9.45. 'B' mfp 1/4

the Dte has now reported that there was a permanent vacancy 'C' mfp 1/4
in the post of peon, in the fisheries
Dept. from 7.8.42 and that if the
Asst Dir. of Fisheries concerned had taken prompt action to fill it up
necessary steps were taken to regularise the services of Sri would have been confirmed
Sheik Peer Ahamed in that vacancy and
he would not have been discharged
from service on 6.6.45. In the
circumstances the Dte has 'M' mfp 1/4
proposed that Sri Sheik Peer
Ahamed may be shown against
the permanent vacancy which existed
from 7.8.42, and that he may
be granted extraordinary leave
without allowances, by relaxing
Rule 23(b) of the Madras
Leave Rules, 1933, for the period from leave not applied for.
6-6-45 to 9-9-45, in order to 'B & M' on p. 1 of
condone the break in his service
during that period. Consequent
on his discharge on 6.6.45.
In view of the long service period of rendered by
Sri Sheik Peer Ahamed, the Govt (which is nearly 18 years
accept the proposal of the
Dte.

2/ Under the Rules
published with the Pule (Fort) Department
Notification No. 16, dated the 26th

January 1938 at page 272 of the Part I of the Fort St. George Gazette, dated the 7th February 1938, the Governor of Madras hereby directs that Rule 23(b) of the Madras Leave Rules, 1933 be relaxed in favour of Sheik Peer Ahamed, Peon, (of the) Office of the A.D.F Mangalore, so as to enable him to be granted extraordinary leave without allowance for the period from 6.6.45 to 9.6.45. [~~to note Government condone the break in his service during the period~~]

( ) d/

B and M on p. 1 cf

[ ] d/

28/12/54 28/12/54

31.12.54

The Date

The A.G. Madras for

Copy to the M.A.SC

" to the Pub (Services)

S.F.L. Spl.

CENTRAL PATCH BRANCH

Vou

Post

Sent by Post/Messenger.

Date

CM. 64723 CII/54

AGRI (CII) DEPT.

Sub: Establishment - Sheik Peer ~~Mohamad~~ Ahamad - Peon - Office of the Assistant Director of Fisheries, Mangalore - Condonation break of service - Regarding.

Ref: From the D.I.&C., letter No. 11827/52-52, dated 22-5-54.

***

Please see the letter from the D.I.&C., on p. 1.c.f.

2. Sri Sheik Peer Ahamad ~~Mohamad~~ was appointed as a peon on 15-10-36 in Ullar fish curing yard. Sri ~~Mohamad~~ Ahamad applied for leave from 6-6-45 to 15-7-45 on medical grounds. He applied for extension upto 29-7-45. But he, being a non permanent servant, was not, at that time eligible for any leave other than extra-ordinary leave and the A.D.F. granted him extra ordinary leave for two months only upto 29-7-45. Sri Ahamad again applied for extension upto 31-8-45. But the extension of leave upto 31-8-45 applied for, was not granted as it exceeded two months. Furtner the absence of the peon could not also be counted as on leave on medical grounds under rule 26(c) as it was happened before the introduction of it in the ~~Fin.~~ G.O. 718 dated 20-9-46. Consequently he was discharged from service with effect from 6-6-45, the date from which he went on leave.

3. The D. I.&C., has now reported that Sri Ahamad ~~Mohamad~~ was again reappointed as peon with effect from 4-9-45. He is now continuing in that post.

4. The D.I.&C., has also reported that if the A.D.F. had regularised the services of Sri Ahamad early in 1942 when one permanent vacancy arose (by the time Sri Ahamad had put in service of more than 6 years) Sri Ahamad would not have been discharged from service. In the circumstances and in view of the long service of Sri Ahamad from 1936 onwards the D.I.&C., has proposed to relax rule 23(b) of the Madras Leave Rules to condone the break in his service from 6-6-45 to 3-9-45 (the date on which he was reappointed) and to treat the

period of his absence as on extra ordinary leave.

5 In view of the long service of Sri Ahamad for 17 years and in view of the fact that his services could have been regularised if the A.D.R. had taken necessary steps to that effect in 1942, when a permanent vacancy arose, it is for orders whether the proposal of the D.I.&C., to relax rule 23(b) of the Madras Leave Rules in favour of Sri Ahamad may be accepted.

6. Public (Services) and Finance Departments may see for remarks.

16/6/54

16/6/54

17603

DS / Pubs (Ser)

Public (Services) Deptt.

Finance may see the case in the first instance.

29.6.54

30.6.54

Finance (CSR) Department.

Please see the notes of Agri. Dept. on pages 1-2 above.

~~As there was no~~ It is presumed that there was a post of Peon against which he could be counted while on leave. ~~If so he cannot be granted leave for the above period.~~ If there had been a vacancy of Peon in the Department during the period 6.45 to 3.9.45 against which he could be counted, Finance need not object to the proposal of Agriculture to relax the provisions of M.L.R.23(a)(ii) in favour of the Peon enabling him to be granted extraordinary leave without allowances for the above period. C.S. and M (F & E) will have to see.

REGISTRY SECRETARY TO GOVERNMENT 29 JUN 1954 2705 SECRETARIAT

Agri 210 6937 23 CII/54-1 28/6/54

Pub (ser) u.o. 2705/54-1 30.6.54

DEPUTY SECRETARY TO GOVERNMENT 17 JUL 1954 FINANCE DEPARTMENT

3/ If however there was no post of Peon during the period in question ~~against which he could be counted while on leave~~, he ~~xxxxxxxx~~ cannot be granted extraordinary leave as proposed. In that case, in view of the long service of the Peon, the break may be condoned by relaxation of Note (2) to F.R.26(a), requiring circulation to C.S. and M (Finance). ~~Fin~~

Agriculture may be requested to adopt either of the 2 alternatives suggested above after ascertaining the position from the D.I. & C as to the ~~existence~~ existence of a vacancy of Peon during the above period

3754 — 7.7.54

Pub (Ser)

Agri

7/7/54

ASSISTANT SECRETARY TO GOVERNMENT
7 JUL 1954
2833
CHIEF SECTION

5754

Public (Ser. D) Dept.

The notes of Agri. and Finance Depts. on pages 1-3 above may be perused. Agri. may first take action w.r.t. A above and send the file again to this Dept. in due course.

The file may be returned to Agri.

8.7.54

8.7.54

Agri

Agri

Fins

Finance and Pub (Ser) Depts notes on pp 2-3 above may be perused.

It is submitted that it is not known whether there had been a vacancy in the post of Peon in the Dept. during the period

Pub (Ser) no.
2833/54-1
8.7.54.

UNDER SECRETARY TO GOVERNMENT
9 - JUL 1954
AGRICULTURE DEPARTMENT

95839 — 8/7/54

4 from 6.6.45 to 3.9.45, against which Sri Sheikpeer Ahamed could be counted, as enquired by Finance Dept at A'anp 2 above. The information on earlier called for from the Dte. for orders.

3/ Subject to orders a draft memo to the Dte is submitted below for approval.

(3L)

12/7/54

[Issued as Memo No. 3979/48 C II/52-2 dt 14.7.52 to the Dte] 3 cy

[from the Dte Lr No. 31944 52/54 dt 19-10-54] 5 cy

To As. The reply of the Dte at p 5 cf. may be perused.

2/ The proposal in this file is to relax rule 26 (b) (a)(ii) of the Madras Leave Rules in favour of Sri Sheik Peer Ahamed a peon in the Fisheries Dept in order to grant him extra ordinary leave during the period from 6.6.45 to 3.9.45. So as to condone a break in his service during that period. — M anp 1 cf and A anp 2 above

3/ The facts of the case have been explained at pps. 1-2 above.

4/ Finance have accepted the proposal of this Dept. provided there had been a permanent vacancy of peon in the Dept. during the period from 6.6.45 to 3.9.45 against which the services of Sri Sheik Peer Ahamed could be counted. They have also suggested an alternative course to relax proviso (2) to F R 26(a) ~~in case~~ and to condone the period of break in service for the — B anp 2 above — A anp 2 above — X anp 3 above

A on p 3 above.

(p 3 above

period, in case there had been no permanent vacancy. They desired that the Correct position may be ascertained and ~~adopt~~ the suitable alternative (may happen) Rule (Services) who have been ~~referred to~~ this Deptt ~~the suggestion of the Finance~~ and desired to let that Deptt file this case after the Correct position is ascertained. The Dos was

B on p 3 above

p 3 c/n

consulted and his reply is at p. 6 n. In view of his report that there existed a permanent vacancy for the period in question viz from 6.6.45 to 3.9.45,

p 5 c/n

rule 23 (b) (a)(ii) of the M.L. Rules may now be relaxed in favour of Sri Sheik Peer Ahamed and extraordinary leave granted to him for the period from 6.6.45 - 3.9.45, as already proposed (by this Deptt.) and agreed to by Fin. Dept. ~~Rule (Serv. Deptt.~~. The case may now be sent to Pub Services through Finance with reference to 'B' n/p. 3 above.

M on p 1 c/n
B on p 2 above
A on p 2 above

GB
10/11/54

Pub(Sv)/Fin

Agri 2069/23 CH/54-4
11-11-54

E/4/54
9/11/54

Public (Services-D) Deptt.

(Previous note of this deptt. on page 3 ante.)

The subsequent notes of Agriculture from page 3 ante may be perused.

The proposal in this file relates to the relaxation of rule 23(a)(ii) of the Madras Leave

p.t.o.

ASSISTANT SECRETARY TO GOVERNMENT
12 NOV 1954
4623
CHIEF SECRETARIAT

p.259 of 15K.154.
also A on p.2 ante.

Rules, 1933, in favour of Sheik Peer Ahmed, peon, Office of the Asst.Director of Fisheries, Mangalore, so as to enable him to be granted extraordinary leave without allowances for the period from 6-6-1945 to 3-9-1945. Finance have no objection to the proposal. This deptt. also need not object to the proposal. M.(F.& E.) should see and a copy of the relaxation order should be communicated to the M.P.S.C.

The file may be passed on to Finance.

p.259 of Bk.159.

M on p.1 c/f

α A on p.2 ante
β B on p.2 ante.
etc

Pub.(Ser)n°.
4623/54-1
24.11.54

24/11/54

Please see previous Finance note on pages 2-3 above and note pencil marked at X X on page above. Finance may agree with the views expressed by Public Service and the Case may be returned to Agriculture

FIRST ASSISTANT SECRETARY
29 NOV 1954
AGRICULTURE DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT
25 NOV 1954
FINANCE DEPARTMENT

139262

AGRICULTURE (C.II) DEPT.

NOTE FOR CIRCULATION

This file deals with the proposal to relax rule 25(a)(ii) of the Madras Leave Rules in favour Sri Sheik Peer Ahamed, peon of the fisheries Dept. so as to grant him extraordinary leave in order to condone the break in his service.

2. Sri Sheik Peer Ahamed was appointed as a peon in the fisheries Dept. on 15-10-36. He applied for leave from 6-6-45 to 15-7-45 on medical grounds. On the expiry of the leave Sri Ahamed applied for extension of leave upto 29-7-45. As he was not eligible for any more leave on medical grounds he was granted extraordinary leave upto 29-7-45. Sri Ahamed again applied for the extension of leave upto 31-8-45. As Sri Ahamed was not permanenet at that time he was not eligible for any leave beyond two months. Therefore Sri Ahamed was discharged from service with effect from 6-6-45. the date from which he went on leave. Subsequently Sri Ahamed was reappointed on 4-9-45. He is now continuing in that post.

5. The D.I & C. has now proposed that relevant rule may be relaxed in favour of Sri Ahamed and that he may be granted extraordinary leave for the period from 6-6-45 (i.e. the date of discharge) to 4-9-45 (i.e. the date of reappointment) in order to condone the break in his service, during that period. He has also reported that there was a permanenet vacancy in the post of peon during that period. In the circumstances and in view of the long service of Sri Sheik Peer Ahamed this Dept. propose to accept the proposal of the D.I & C. The Finance and Public(Ser) have agreed with this Dept. It is for orders whether rule 25(a)(ii) of the Madras Leave Rules will be relaxed in favour of Sri Sheik Peer Ahamed, Peon, and he be granted extraordinary leave without allowances for the period from 6-6-45 to 4-9-45 so as to condone the break in his service during that period.

The file may be circulated to M(A) and M(F & S) for orders.

P.T.O

8. 1111.3

The file may now be circulated to M(A)H 09723

M(F&E) for orders on the proposal at A' on p 7 above.

Ub
2/12/54

Note from pre. page may be perused.
A' on pre. page may be approved.

Ub
R Iyer

DST
N Murugesan
11/12/54

DS/M(A)
M(F&E)

SECRETARY
2 DEC 1954
AGRICULTURE DEPARTMENT

SECRETARY
23 DEC 1954
AGRICULTURE DEPARTMENT

M(A)

M(F&E) Subramaniam
23.12.54.

DEPUTY SEC
23 DEC 1954
AGRICULTURE DEPARTMENT

Do Ub

Agri II

Orders may circulated above
A draft order is submitted
below for approval.
Pub (Ser) and Finance may
see before note.

Ub
23/12/54
28/12/54

31.12.54

D S
6.1.55

Pub (Ser)
Fin

DEPUTY SECRETARY TO GOVERNMENT
8 99
JAN 1955
CHIEF SECRETARIAT

DS/Pub (Ser)
Finance

Agri no 09723 cm/52-5
6.1.55

Public (Services) Deptt.

(Previous note of this deptt. on pp. 5-6 ante)

The subsequent notes of Agriculture from p. 7 ante, the orders in circulation therein and the draft order below may be perused. The slight alterations indicated in pencil in the draft may be made.

The file may be passed on to Finance

Pub(ser) n.o. 99/55-1 25/1/55

A S./Fin.

21.1.55.

24/1/55.

25.1.55

Fin(Con)

(Previous Finance note on p. 6 ante)

The further notes on pp 7-9 ante may be perused and the draft order below accepted subject to the remark that the relevant rule to be relied on is G.I.R. 23(b). (as this is a case of conflict between two set services).

2/2/55 2.2.55

Fin-Con. 5072/cm 2.2.55

Notes of the Pub (Ser) and Finance dept. ante may be perused.

The draft order below may be issued.

6/2/55

7.2.55